

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN L. CORRIGAN,

Plaintiff,

v.

WSP TROOPER D. DALE and D.
BURT; JUDGE A. HILLE, and
DEPUTY PROSECUTOR B.
SCUDDER,

Defendants.

NO. CV-07-227-RHW

**ORDER DENYING PLAINTIFF'S
MOTION TO VOID THE
JUDGMENT**

Before the Court is Plaintiff's Motion to Void the Judgment (Ct. Rec. 81).
The motion was heard without oral argument.

On April 14, 2008, the Court granted Defendants' Motion for Summary
Judgment, found that reasonable attorneys' fees were warranted, and requested that
Defendants submit briefing to the Court on the amount of reasonable fees
expended in bringing their motion and defending this action. On June 2, 2008, the
Court awarded \$10,822.51 in reasonable attorneys' fees. Judgment was not
entered. Plaintiff appealed and the Ninth Circuit dismissed the appeal for lack of
jurisdiction.

Plaintiff now moves the Court to void the judgment pursuant to Fed. R. Civ.
P. 60. Plaintiff argues that because the Court held that Plaintiff failed to properly
serve Defendants, the Court was required to dismiss the action without prejudice.

The personal jurisdictional requirement is waivable. *Dow Chemical Co. v.*
Calderon, 422 F.3d 827, 831 (9th Cir. 2005). Thus, Fed. R. Civ. P. 4(m) does not

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1 preclude the Court from addressing all of Defendant's argument in favor of
2 summary judgment. Even though the Court found that service was defective, it
3 also found that Plaintiff's complaint was barred by the statute of limitations and the
4 doctrines of collateral estoppel, claim and issue preclusion, and absolute immunity,
5 and by Plaintiff's failure to show that his conviction and sentence had been
6 invalidated as required by *Heck v. Humphrey*, 512 U.S. 477 (1994).

7 Accordingly, **IT IS HEREBY ORDERED:**

8 1. Plaintiff's Motion to Void the Judgment (Ct. Rec. 81) is **DENIED**.

9 2. The District Court Executive is directed to enter judgment in favor of
10 Defendants in the amount of \$10,822.51 and against Plaintiff.

11 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
12 Order and forward copies to Plaintiff and counsel.

13 **DATED** this 20th day of November, 2008.

14 *S/ Robert H. Whaley*

15 ROBERT H. WHALEY
16 Chief United States District Judge

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